

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

**CHRISTINE BOARDMAN, et al.**

**Plaintiffs,**

**v.**

**SERVICE EMPLOYEES INTERNATIONAL  
UNION a/k/a/ SEIU, ELISEO MEDINA and  
DIAN PALMER, Individually and as Co-Trustees  
of SEIU LOCAL 73, SEIU EMPLOYEES  
INTERNATIONAL UNION NO. 73 a/k/a SEIU  
Local 73 and MARY KAY HENRY, Individually  
and as PRESIDENT OF SEIU,**

**Defendants.**

**Case No. 1:18-CV-02728**

**Related to:**

**Hunter v. Service Employees  
International Union, et al.,  
Case No. 1:18-CV-00986**

**Judge Pallmeyer**

**DEFENDANTS' NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF  
THEIR MOTION TO DISMISS**

Leon Dayan, Esq.\*  
Abigail V. Carter, Esq.\*  
\*(admitted *pro hac vice*)  
Bredhoff & Kaiser, PLLC  
805 15th Street N.W., Suite 1000  
Washington, D.C. 20005  
Telephone: (202) 842-2600  
ldayan@bredhoff.com  
acarter@bredhoff.com

Barry M. Bennett, Esq.  
George A. Luscombe, III, Esq.  
Dowd, Bloch, Bennett, Cervone  
Auerbach & Yokich  
8 South Michigan Avenue, 19<sup>th</sup> Floor  
Chicago, IL 60603  
Telephone: (312) 372-1361  
bbennett@laboradvocates.com

As supplemental authority in support of Defendants’ Motion to Dismiss, Plaintiffs respectfully submit the attached Memorandum Opinion issued on September 27, 2019, in *English et al. v. Service Employees International Union, Local 73, et al.*, Case No. 1:18-CV-5272 (N.D. Ill.) (“Opinion”). In that case, Plaintiffs, all of whom were former employees and members of Local 73, brought suit against Local 73 and Denise Poloyac, formerly one of the Trustees in charge of Local 73, alleging that their terminations were in violation of their rights as union members under the Labor-Management Reporting and Disclosure Act (“LMRDA”).

In its Opinion, the district court granted Defendants’ Motion to Dismiss, holding that under the applicable Supreme Court and Seventh Circuit case law, the LMRDA does not protect union employees against discharge from employment by an unelected trustee. Op. at 5, 7-8. The district court also held that because plaintiffs’ status as union members was derivative of their employment status, plaintiffs’ loss of union membership did not give rise to a claim under the LMRDA. *Id.* at 8.

The Opinion thus directly supports Defendants’ Motion to Dismiss Counts I and IV of Plaintiffs’ Second Amended Complaint, which allege violations of section 101(a)(5) of the LMRDA. *See* Br. ISO Defs’ Mot. Dismiss (ECF No. 47) at 4-6; Reply ISO Defs’ Mot. Dismiss (ECF No. 56) at 1-2. Like the plaintiffs in *English*, Plaintiffs here allege that their LMRDA rights as union members were violated when they lost their status as union members as a result of losing their union employment. The district court’s Opinion in *English* provides additional authority that Plaintiffs’ legal theory as to this claim fails as a matter of law.

Respectfully Submitted,

/s/ Leon Dayan

Leon Dayan, Esq.\*  
Abigail V. Carter, Esq.\*  
\*(admitted *pro hac vice*)  
Bredhoff & Kaiser, PLLC  
805 15th Street N.W., Suite 1000  
Washington, D.C. 20005  
Telephone: (202) 842-2600  
ldayan@bredhoff.com

*Counsel for Defendants*

/s/ Barry M. Bennett

Barry M. Bennett, Esq.  
George A. Luscombe, III, Esq.  
Dowd, Bloch, Bennett, Cervone,  
Auerbach & Yokich  
8 South Michigan Avenue, 19<sup>th</sup> Floor  
Chicago, IL 60603  
Telephone: (312) 372-1361  
bbennett@laboradvocates.com

Dated: September 30, 2019

**CERTIFICATE OF SERVICE**

This certifies that a true and correct copy of the foregoing notice of supplemental authority in support of Defendants' motion to dismiss, was served on the following counsel of record via ECF on this September 30, 2019:

Mark S. Schaffner, Esq.  
Law Offices of Mark Schaffner, P.C.  
100 North Riverside Plaza, Suite 2150  
Chicago, IL 60606

*Counsel for Plaintiff Christine Boardman*

In addition, I certify that a true and correct copy of the foregoing notice of supplemental authority in support of Defendants' motion to dismiss, was served on the following attorneys in the related case *Hunter v. Service Employees International Union*, 18-CV-00986, by transmitting copies to them by email at the following addresses:

Melissa P. Casey, Esq.  
MPC Law Group  
221 North LaSalle Street, Suite 1414  
Chicago, IL 60601  
Email: mpclawgroup@gmail.com

Angel Petrov Bakov  
Glen J. Dunn & Associates, Ltd.  
221 N. LaSalle St., Suite 1414  
Chicago, IL 60601  
Email: abakov@gjdlaw.com

Glen J. Dunn, Jr.  
Glen J. Dunn & Associates, Ltd.  
221 N. LaSalle Street, Suite 1414  
Chicago, IL 60601  
Email: gdunn@gjdlaw.com

/s/ Leon Dayan  
Leon Dayan